

REMARKS/ARGUMENTS

Reconsideration of the application as amended is respectfully requested.

In the specification, the Abstract has been amended to correct minor editorial problems and improve syntax. Similarly amended are the paragraphs found in the following lines: lines 2-4 on page 1; lines 6-17 on page 1; lines 22-23 on page 1 and lines 1-7 on page 2; lines 8-13 on page 2; lines 14-18 on page 2; lines 19-23 on page 2; lines 24-26 on page 2 and lines 1-7 on page 3; lines 8-12 on page 3; lines 13-17 on page 3; lines 18-22 on page 3; lines 24-25 on page 3 and line 1 on page 4; lines 2-4 on page 4; lines 7-8 on page 4; lines 9-16 on page 5; lines 17-24 on page 5; lines 25-26 on page 5 and lines 1-10 on page 6; lines 15-26 on page 6 and lines 1-2 on page 7; lines 10-13 on page 7; and lines 14-16 on page 7. In addition, lines 8-10 on page 2 have been amended to recite that the two basic sections of the machine are pivotally connected by a hinge. Support for the latter amendment is found in lines 17 and 18 on page 6 and in FIG. 5.

Claims 3 and 4, as well as newly added claims 7 through 10, remain in this application.

The Examiner's indication of the allowability of claim 3 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims is noted

with appreciation. Claim 3 has been so rewritten. Accordingly, it is believed that the objection to claim 3 has been obviated by the amendment and remarks; and such objection can no longer be maintained.

Claim 5 was objected to because of an informality. Claim 5 has been canceled. It is believed that the amendment has obviated the Examiner's objection to claim 5; and this objection can no longer be maintained.

Claims 1-2 and 4-6 were rejected under 35 U.S.C. 102(b) as being anticipated by Fry (U.S. Patent No. 3,984,040) or Himebaugh (U.S. Patent No. 5,169,048). These rejections are respectfully traversed. Claims 1-2 and 5-6 have been canceled. Claim 4 has been amended to depend from claim 3 (currently amended) and is considered to distinguish over the cited prior art for the same reasons as does claim 3. Accordingly, it is believed that the rejections of claims 1-2 and 4-6 have been overcome by the amendments and remarks; and claim 4 should be allowed.

Newly added claim 7 recites all of the limitations of claim 3 (currently amended) except the limitations that the nailing gun is pneumatic; the fastening means includes a pneumatic cylinder which activates the nailing gun when the pneumatic cylinder presses the head of the nailing gun to the roof deck; and the light switch activates the pneumatic cylinder. The latter limitations are unduly limiting and not necessary to the invention. Accordingly, it is believed that

the applicant is entitled to the novel combination recited in claim 7; and such claim should be allowed.

Newly added claim 8 recites the novel combination of a wheeled frame having two elongated, spaced apart vertical supports and a handle-bearing member pivotally connected thereto in which the holder for the rolled roofing material is mounted on the wheeled frame and both the guide roller and the means for fastening the roofing material to the deck are connected to the handle-bearing member, downward travel of the handle in the handle-bearing member as it pivots about its connections with the vertical supports being limited by attachments to the handle-bearing member; each portion of the handle-bearing member being disposed at least slightly above the roof deck except when the handle has traveled downwardly a sufficient distance that further downward travel of the handle is prevented by said limiting means. Support for this combination is found in lines 8-13 on page 2, in lines 15-26 on page 6, in the original claim 1, and in FIGS. 2 and 5. Claim 8 is patentably distinguishable over the cited prior art.

Fry (U.S. Patent No. 3,984,040) discloses a deck nailing apparatus which lacks any holder for rolled roofing material from which roofing material can be unrolled. Rather, the apparatus is used to attach plywood sheathing to building structural elements. This task is accomplished utilizing a structurally rigid framework including a wheeled carriage

(10), a handle (20), and a pair of outrigger arms (45) on which are mounted nailing guns (11). Absent is any suggestion of a pivotal connection between the wheeled carriage and the handle or between the wheeled carriage and a handle-bearing member. Instead, in Fry's apparatus, the wheeled carriage is also the handle-bearing member. Consequently, in distinct contrast to the applicant's claimed combination, a portion of the wheeled carriage/handle-bearing member is in contact, during use, with the roof deck at all times.

Himebaugh (U.S. Patent No. 5,169,048) discloses a shingling apparatus having a wheeled frame (20) which lacks any handle. Motive power is supplied by an electric motor mounted on the frame (20) and operatively coupled to a rear drum (24) through a gearing mechanism (28). The operator, situated at some distance from the frame (20), can cause the apparatus to move forwardly or, alternately, backwardly by merely manipulating a hand-held, remote controller (32) electrically connected to the motor (26). In such a combination, a handle would seem to be superfluous and certainly not needed for propelling the shingling apparatus to and fro.

The applicant was the first to recognize the advantages of a combination having a wheeled frame on which is mounted a holder for rolled roofing material from which roofing material can be unrolled and a handle-bearing member pivotally connected to elongated vertical supports extending upwardly from the frame, the handle-bearing member including a handle

for pushing the wheeled frame, each portion of the handle-bearing member being disposed at least slightly above the roof deck during use except when the handle has traveled downwardly a sufficient distance, as the handle-bearing member pivots about its connections with the vertical supports, that an attachment on the handle-bearing member prevents further downward travel of the handle, to-wit: a machine for installing rolled shingle roofing material which not only can be moved easily across a roof deck in a linear fashion but also can be rotated sideways, pivoting the wheeled frame about its points of contact with the roof deck when the handle is pushed downwardly. Accordingly, it is believed that the applicant is entitled to the novel combination recited in claim 8; and such claim should be allowed.

Newly added claims 9 and 10 depend from claim 8 and are considered to distinguish over the cited prior art for the same reasons as those advanced hereinabove with respect to claim 9. The limitations in claim 9 that the wheeled frame is three-wheeled and that each of the two elongated, spaced apart vertical supports has a wheel mounted thereon are supported by FIGS. 1-5. The basis for claim 10 is found in the original claim 5 and in FIG. 10. Accordingly, it is believed that the applicant is entitled

to the combinations recited in claims 9 and 10; and such claims should be allowed.

It is believed that this case is in condition for allowance. Applicant respectfully requests reconsideration of this application and that a timely Notice of Allowance be issued in this case.

No additional fee appears to be necessary.

Respectfully submitted,

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CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 16, 2006.

Date: November 16, 2006

Signed:

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